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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,418	10/16/2003	William E. Welnick	33692.03.3199	7981

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EXAMINER	
MILLER, BRANDON J	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/687,418	WELNICK ET AL.	
	Examiner	Art Unit	
	Brandon J. Miller	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutton in view of Jou.

Regarding claim 1 Sutton teaches a circuit for producing a pilot strength measurement comprising: receiving long term filtered measurement data corresponding to at least one pilot signal, and in response, operative to produce the pilot measurement including at least the received long term filtered measurement data (see abstract and col. 2, lines 27-32). Sutton does not specifically teach producing a pilot strength measurement message and a pilot strength measurement message generator. Jou teaches a pilot strength measurement message and a pilot strength measurement message generator (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength measurement message generator because a pilot strength measurement can be transmitted in the form of a message and it would allow for an improved method for pilot channel acquisition.

Regarding claim 2 Sutton teaches receiving short term filtered measurement data corresponding to the at least one pilot signal (see col. 2, lines 33-35). Sutton teaches wherein the

pilot strength measurement further includes at least the short term filtered measurement data if a pilot signal is represented by corresponding long term filtered measurement data less than a threshold (see col. 2, lines 28-40). Sutton does not specifically teach a pilot strength measurement message generator. Jou teaches a pilot strength measurement message generator (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength measurement message generator because it would allow for an improved method for pilot channel acquisition.

Regarding claim 3 Sutton and Jou teach a device as recited in claim 1 except for receiving short term filtered measurement data corresponding to the at least one pilot signal, and wherein the at least one pilot signal includes at least one of an active set of pilot signals, and a candidate set of pilot signals such that the pilot strength measurement message further includes at least the short term filtered measurement data based on at least one of a number of pilot signals in the active set, and a number of pilot signals in the candidate set. Sutton does teach receiving short term filtered measurement data corresponding to the at least one pilot signal, and wherein the at least one pilot signal includes at least one of an active set of pilot signals, such that the pilot strength measurement further includes at least the short term filtered measurement data based on at least one of a number of pilot signals in the active set (see col. 2, lines 33-35). Jou does teach a pilot strength measurement message generator (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include receiving short term filtered measurement data corresponding to the at least one pilot signal, and wherein the at least one pilot signal includes at least one of an active set of pilot signals, and a candidate set of pilot signals such that the pilot strength measurement

message further includes at least the short term filtered measurement data based on at least one of a number of pilot signals in the active set, and a number of pilot signals in the candidate set because it would allow for an improved method for pilot channel acquisition.

Regarding claim 4 Sutton and Jou teach a device as recited in claim 1 except for receiving short term filtered measurement data corresponding to the at least one pilot signal, and wherein the pilot strength measurement message includes at least the long term filtered measurement data if a strongest pilot signal represented by corresponding long term filtered measurement data is greater than a threshold. Sutton does teach receiving short term filtered measurement data corresponding to the at least one pilot signal, and wherein the pilot strength measurement includes at least the long term filtered measurement data if a pilot signal represented by corresponding long term filtered measurement data is greater than a threshold (see abstract and col. 2, lines 28-40). Jou does teach a pilot strength measurement message generator (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include receiving short term filtered measurement data corresponding to the at least one pilot signal, and wherein the pilot strength measurement message includes at least the long term filtered measurement data if a strongest pilot signal represented by corresponding long term filtered measurement data is greater than a threshold because it would allow for an improved method for pilot channel acquisition.

Regarding claim 5 Sutton and Jou teach a device as recited in claim 4 except for a threshold that includes a drop threshold plus 3dB. Jou does teach a drop threshold (see paragraph [0013]). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to make the device adapt to include a threshold that includes a drop threshold plus 3dB because this would allow for an improved method for acquiring a pilot channel.

Regarding claim 6 Sutton teaches a wireless device for producing a pilot strength measurement, comprising a first receiver operative to receive at least one pilot signal, and in response, operative to generate long term measurement data corresponding to the at least one pilot signal (see abstract and col. 2, lines 27-31). Storm teaches a second receiver operative to also receive the at least one pilot signal, and in response operative to generate short term filtered measurement data corresponding to the at least one pilot signal (see col. 2, lines 34-36). Storm teaches a first receiver and a second receiver operative to produce the pilot strength measurement including the long term filtered measurement data received from the receiver (see abstract, col. 2, lines 30-38). Storm does not specifically teach a pilot strength measurement message and a pilot strength measurement message generator. Jou teaches a pilot strength measurement message and receivers coupled to a pilot strength measurement message generator (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength measurement message generator because a pilot strength measurement can be transmitted in the form of a message and it would allow for an improved method for pilot channel acquisition.

Regarding claim 7 Sutton and Jou teach a device as recited in claim 6 except for a pilot strength measurement message that includes at least the short term filtered measurement data if a strongest pilot signal represented by corresponding long tern filtered measurement data is less than a threshold. Sutton does teach a pilot strength measurement that includes at least the short

term filtered measurement data if a pilot signal represented by corresponding long tern filtered measurement data approaches a threshold (see col. 2, lines 34-39). Jou does teach a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength measurement message that includes at least the short term filtered measurement data if a strongest pilot signal represented by corresponding long tern filtered measurement data is less than a threshold because it would allow for an improved method for pilot channel acquisition.

Regarding claim 8 Sutton and Jou teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 9 Sutton and Jou teach a device as recited in claim 6 except for wherein the pilot strength measurement message includes at least the long term filtered measurement data if the strongest pilot signal represented by corresponding long term filtered measurement data is greater that a threshold. Sutton does teach wherein the pilot strength measurement includes at least the long term filtered measurement data if a pilot signal represented by corresponding long term filtered measurement data is greater that a threshold (see col. 2, lines 29-39). Jou does teach a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include wherein the pilot strength measurement message includes at least the long term filtered measurement data if the strongest pilot signal represented by corresponding long term filtered measurement data is greater that a threshold because it would allow for an improved method for pilot channel acquisition.

Regarding claim 10 Sutton and Jou teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 11 Sutton teaches a wireless device for producing a pilot strength measurement comprising; generating corresponding long term filtered measurement data (see abstract and col. 2, lines 28-32). Sutton teaches generating corresponding short term filtered measurement data (see abstract and col. 2, lines 33-39). Storm teaches at least the long term filtered measurement data if a strongest pilot signal represented by corresponding long term filtered measurement data generated by at least one of the plurality of finger receivers is greater than a threshold (see abstract, col. 2, lines 29-39). Sutton does not specifically teach a plurality of finger receivers each operative to receive at least one of an active pilot signal and a candidate pilot signal, a scan search receiver also operative to receive at least one of an active pilot signal and a candidate pilot signal, and a pilot strength measurement message and a pilot strength measurement message generator. Sutton does teach receivers operative to receive a pilot signal (see abstract and FIG. 1) a scan search receiver (see col. 6, lines 1-4). Jou teaches a pilot strength measurement message and receivers coupled to a pilot strength measurement message generator (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a plurality of finger receivers each operative to receive at least one of an active pilot signal and a candidate pilot signal, a scan search receiver also operative to receive at least one of an active pilot signal and a candidate pilot signal, and a pilot strength measurement message and a pilot strength measurement message generator because a pilot strength measurement can be transmitted in the form of a message and it would allow for an improved method for pilot channel acquisition.

Regarding claim 12 Sutton and Jou teaches a device as recited in claim 11 except for the pilot strength measurement message includes at least the long term filtered measurement data from the respective plurality of finger receivers if the strongest pilot signal represented by the long term filtered measurement data is less than the first threshold and greater than the second threshold, and if at least one of a number of candidate pilots is greater than three, and a number of active pilots is greater than one, otherwise, the pilot strength measurement message includes at least the short term filtered measurement data. Sutton does teaches the pilot strength measurement includes at least the long term filtered measurement data if the pilot signal represented by the long term filtered measurement data exceeds threshold values (see col. 2, lines 28-39). Sutton teaches the pilot strength measurement includes at least the short term filtered measurement data (see col. 2, lines 33-36). Jou does teach a number of candidate pilots and a number of active pilots (see paragraph [0012]). Jou does teach a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include the pilot strength measurement message includes at least the long term filtered measurement data from the respective plurality of finger receivers if the strongest pilot signal represented by the long term filtered measurement data is less than the first threshold and greater than the second threshold, and if at least one of a number of candidate pilots is greater than three, and a number of active pilots is greater than one, otherwise, the pilot strength measurement message includes at least the short term filtered measurement data because this would allow for an improved method for pilot channel acquisition.

Regarding claim 13 Sutton and Jou teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 14 Sutton teaches a circuit for producing a pilot strength measurement comprising: receiving long term filtered measurement data corresponding to at least one of a plurality of pilot signals (see abstract and col. 2, lines 28-32), and short term measurement data corresponding to at least one of the plurality of pilot signals (see col. 2, lines 33-38). Sutton teaches producing the pilot strength measurement based on at least the long term filtered measurement data, in response to receiving the long term filtered measurement data corresponding to at least one of the plurality of pilot signals, and the short term filtered measurement data corresponding to at least one of the plurality of pilot signals (see abstract and col. 2, lines 29-39). Sutton does not specifically teach a pilot strength measurement message. Jou teaches a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength measurement message because a pilot strength measurement can be transmitted in the form of a message and it would allow for an improved method for pilot channel acquisition.

Regarding claim 15 Sutton and Jou teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 16 Sutton teaches receiving an active set of pilot signals, and producing the pilot strength measurement including at least the short term filtered measurement data, based on at least one of a number of pilot signals in the active set (see col. 2, lines 29-39). Sutton does not specifically teach receiving a candidate set of pilot signals and a pilot strength measurement

message. Jou teaches receiving an active set of pilot signals and a candidate set of pilot signals (see paragraph [0012]). Jou teaches a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include receiving a candidate set of pilot signals and a pilot strength measurement message because it would allow for an improved method for pilot channel acquisition.

Regarding claim 17 Sutton teaches a method for producing a pilot strength measurement comprising: receiving a plurality of pilot signals and producing long term filtered measurement data corresponding to at least one of the plurality of pilot signals (see abstract and col. 2, lines 28-32). Sutton teaches producing short term filtered measurement data corresponding to at least one of the plurality of pilot signals (see abstract and col. 2, lines 2, lines 33-38). Sutton teaches producing pilot strength measurement including at least the long term filtered measurement data corresponding to at least one of the pilot signals, when a pilot signal represented by corresponding long term filtered measurement data is greater than a threshold (see abstract and col. 2, lines 29-39). Sutton does not specifically teach a pilot strength measurement message. Jou teaches a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength measurement message because a pilot strength measurement can be transmitted in the form of a message and it would allow for an improved method for pilot channel acquisition.

Regarding claim 18 Sutton teaches receiving an active set of pilot signals, and producing the pilot strength measurement including at least one of the long term filtered measurement data

and the short term filtered measurement data, based on at least one of a number of pilot signals in the active set (see col. 2, lines 29-39). Sutton does not specifically teach receiving a candidate set of pilot signals and a pilot strength measurement message. Jou teaches receiving an active set of pilot signals and a candidate set of pilot signals and (see paragraph [0012]). Jou teaches a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include receiving a candidate set of pilot signals and a pilot strength measurement message because it would allow for an improved method for pilot channel acquisition.

Regarding claim 19 Sutton teaches receiving an active set of pilot signals, and producing the pilot strength measurement including at least the long term filtered measurement data when z pilot signal represented by corresponding long term filtered measurement data is less than a first threshold and greater than the second threshold (see col. 2, lines 29-39). Sutton does not specifically teach a drop threshold, a number of candidate pilots that is greater than one, and a number of active pilots is greater than two, and a pilot strength measurement message. Jou teaches a drop threshold (see paragraph [0013]). Jou teaches a number of candidate pilots and a number of active pilots (see paragraph [0012]). Jou teaches a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a drop threshold, a number of candidate pilots that is greater than one, and a number of active pilots is greater than two, and a pilot strength measurement message because this would allow for an improved method for pilot channel acquisition.

Regarding claim 20 Sutton teaches a memory containing instructions executable by one or more processing devices that causes the one or more processing devices to operate (see col. 3, lines 54-57). Sutton teaches receiving long term filtered measurement data corresponding to at least one of a plurality of pilot signals (see abstract and col. 2, lines 28-31), and short term filtered measurement data corresponding to at least one of the plurality of pilot signals (see col. 2, lines 33-36). Sutton teaches producing the pilot strength measurement based on at least the long term filtered measurement data corresponding to at least one of the pilot signals when a pilot signal represented by corresponding long term filtered measurement data is greater than a threshold (see abstract and col. 2, lines 29-39). Storm does not specifically teach a pilot strength measurement message. Jou teaches a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength measurement message because a pilot strength measurement can be transmitted in the form of a message and it would allow for an improved method for pilot channel acquisition.

Regarding claim 21 Sutton and Jou teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Willey U.S Patent No. 5,920,550 discloses a system, method, and apparatus for soft handoff.

Bruckert et al. U.S. Patent No. 5,987,012 discloses a method of handing off and a wireless communication device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 16, 2006

GEORGE ENG
SUPERVISORY PATENT EXAMINER